GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2591
ANSWERED ON:16.03.2007
LEGAL ASSISTANCE TO POOR
Manoj Dr. K.S.;Vasava Shri Mansukhbhai D.

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the amount provided by the Government for providing free legal aid to the poor and under-trial prisoners during each of the last three years,State-wise;

(b) whether all these States have utilized the amount properly;

(c) if not, the reasons therefor;

(d) whether the Government proposes to amend the norms fixed for this scheme;

(e) if so, the details thereof;and

(f) the steps taken/being taken by the Government to provide free legal assistance effectively to the poor and under-trial prisoners?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K.VENKATAPATHY)

(a): In terms of section 14 of the Legal Services Authorities Act, 1987 funds are allocated by the Central Government to the National Legal Services Authority (NALSA) and it further allocates funds to State Legal Services Authorities under section 4 of the said Act, for being utilized for implementation of various Legal Aid Programmes/Schemes including free legal aid to the poor and under-trial prisoners.
A Statement showing the amount allocated by the National Legal Services Authority during each of the last three Financial Years, viz.2003-04, 2004-05, and 2005-06 State-wise is enclosed at Annexure.

(b)&(c): Under Section 4(c) and 4
(i) of the Legal Services Authorities Act,1987,utilization of funds and monitoring & evaluation of the implementation of Legal Aid Programmes are the functions of Central Authority(National Legal Services Authority) which has informed that the states have utilized the funds properly.

(d)&(e): Under the Legal Services Authorities Act, 1987, persons belonging to weaker sections such as,a member of scheduled caste or scheduled tribe, a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution, a woman, child, a mentally ill or otherwise disabled person, and industrial workman, etc. are entitled to free legal aid and assistance. As regards other categories of persons, initially every person whose annual income was not exceeding Rs. 9,000/-had been eligible for free legal aid in cases coming before High Courts and Courts subordinate thereto. In cases before the Supreme Court,the limit was fixed at Rs. 12,000/- earlier and now the income ceiling has been raised by the Central Government to Rs. 50,000/-. In regard to cases before the High Court and Courts subordinate thereto, a decision has been taken at the fourth Annual Meet of the State Legal Services Authorities held under the aegis of National Legal Services Authority (NALSA) on 29.02.2004 and 01.03.2004 at Kolkata to raise the income ceiling in terms of Section 12 (h) of the Legal Services Act, 1987 (as amended) to Rs. 50,000/-.

(f) NALSA has initiated Legal Aid Counsel Scheme to provide assistance to under trial prisoners, who feel handicapped in their defence on account of lack of resources or other disabilities and cannot engage a counsel to defend them. Now, legal aid counsels have been attached to each Magisterial court who provide assistance and defend any person who is not able to engage a counsel, right from the stage he/she is produced in the court by the police.